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10/721,141	11/25/2003	Thomas Edwin Long	B020680	6341

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/721,141

Applicant(s)

LONG, THOMAS EDWIN

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-13, 15-17, 20-29, 31, 33-40 and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-13, 15-17, 20-29, 31, 33-40, 43-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 2-13, 15-17, 20-29, 31, 33-40 and 43-46 are pending in the present application.
2. Claims 1, 14, 18, 19, 30, 32, 41 and 42 have been cancelled. Claims 2, 3, 5-13, 15, 20, 21, 23-29, 31, 33-35, 37-40, and 43 have been amended. New claims 44-46 have been added.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 2-13, 15-17, 20-29, 31, 33-40 and 43-46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims are directed to an abstract idea and do not include a useful concrete tangible result. The language of independent claims 44, 45 and 46 recites "the search performed" [see claim 44 line 12; claim 45 line 15; and claim 46 line 19], however the claim omits an actual search or searching procedure that is performed. The claim does language omits a specific function that is realized.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-13, 15-17, 20-29, 31, 33-40 and 43-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claims 44, 45 and 46 the limitation "persisting" is vague and not clear [note: claim 44 line 4; claim 45 line 7; and claim 46 line 8]. The meaning of the term is not clear. Claims 2-13, 15-17, 20-29, 31, 33-40 and 43 are rejected based on dependency.

Regarding independent claims 44, 45 and 46 the limitation "the search performed" lacks proper antecedent basis [see: claim 44 line 4; claim 45 line 7; and claim 46 line 8].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-13, 15-17, 20-29, 31, 33-40 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skufca et al. US Patent 6,922,695 B2 in view of Wheeler et al. US Patent 6,839,714 B2.

Regarding claim 44, **Skufca et al.** teaches a generic product finder system for managing and performing searches on configurable products in a J2EE application comprising [note: J2EE Web Application Server (810) Figure 8]:

- a manager component for performing searches in response to a search query [note: Enterprise JAVA Bean (880); col. 6 lines 2-58; col. 10 lines 59-67];

- a product component for persisting a plurality of product information and interacting with the manger component in conducting searches of the product information [note: Figure 8 (830); col. 11 lines 11-33];

- a product metadata component that interacts with the manager component for defining a product specification [note: col. 12 lines 28-45; J2EE specification addresses rule-based authorization col. 13 lines 28-45]; and

- a search configuration component that interacts with the manager component for constructing a set of search rules in a product search configuration [note: col. 3 line 59 through col. 4 line 8; col. 12 lines 53-55].

Although Skufca et al. teaches the invention substantially as cited above, they do not explicitly depict a search configuration component that interacts with the manager component for constructing a set of search rules in a product search configuration, wherein the set of search rules include weight values to apply to product information for ordering of partial matches in determining products to identify as a result of the

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search performed. Wheeler et al. teaches a search configuration component [note: search component 415 Figure 4; col. 10 lines 31-45]; also, note Wheeler teaches weight values to apply for ordering partial matches [see: "search criteria" abstract; Figure 8 tree level matching; col. 4 lines 20-33; col. 8 lines 21-43 similar structure match]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Wheeler et al. with Skufca et al. because a search component would provide a means for implementing Skufca et al's search rules through the J2EE Web Application Server (810).

9. (Claim 2) The generic product finder system for managing and performing searches of claim 1 wherein the manager component is a session bean object and a single point-of-entry to the product information [note Skufca et al.: Figure 8 EJB (880); also note Figure 7B].

10. Regarding claims 3 and 4:

(Claim 3) The generic product finder system for managing and performing searches of claim 1 wherein the product specification is defined by metadata [note Skufca et al.: col. 14 lines 14-48 the application assembler to define role-based access].

(Claim 4) The generic product finder system for managing and performing searches of claim 3 wherein the product specification metadata conform to an XML schema [note Skufca et al.: col. 12 lines 30-46; col. 12 line 66 through col. 13 line 6].

11. Regarding claims 5 and 6 note Skufca et al.:

(Claim 5) The generic product finder system for managing and performing searches of claim 1 wherein the product information is persisted by the use of an entity bean [note: Fig. 4; Fig. 5 (520); Fig. 6 (620); and Fig. 8 (830)].

(Claim 6) The generic product finder system for managing and performing searches of claim 1 wherein the product information is grouped into parameters and accessories [note: API interface may group selected elements col. 3 lines 27-47; col. 3 line 59 through col. 4 line 8].

12. Regarding claim 7:

(Claim 7) The generic product finder system for managing and performing searches of claim 1 wherein the product parameters define a set of basic characteristics for a product [note Skufca et al.: col. 9 lines 45-55].

13. Regarding claim 8:

(Claim 8) The generic product finder system for managing and performing searches of claim 1 wherein the product accessories define a set of optional characteristics for a product [note Skufca et al.: col. 9 lines 45-55].

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12. The generic product finder system for managing and performing searches of claim 1

14. Regarding claims 9 and 10:

(Claim 9) The generic product finder system for managing and performing searches of claim 1 wherein the product parameters are defined as XML elements having a plurality of attributes [Skufca et al. col. 9 lines 45-55].

(Claim 10) The generic product finder system for managing and performing searches of claim 1 wherein the product accessories are defined as XML elements having a plurality of attributes [note: Skufca et al. col. 9 lines 45-55].

15. Regarding claims 11 and 12:

(Claim 11) The generic product finder system for managing and performing searches of claim 1 wherein the search configuration component defines a search configuration for each type of product [note: Skufca et al. col. 2 lines 7-41].

(Claim 12) The generic product finder for managing and performing searches of claim 1 wherein the search configurations are generated dynamically [note: Skufca et al. col. 2 lines 7-41].



16. Regarding claim 13:

(Claim 13) The generic product finder system for managing and performing searches of claim 1 wherein the set of search rules define a set of product search behavior [note: Skufca et al. col. 14 lines 14-41].

17. Regarding claims 15-17:

(Claim 15) The generic product finder system for managing and performing searches of claim 1 further comprising an interface for accessing the manager component to initiate a product search [note: col. 1 lines 1-20; Fig. 7A & 7B].

(Claim 16) The generic product finder system for managing and performing searches of claim 15 wherein the interface is a Simple Object Access Protocol (SOAP) interface [note: resources may be accessed by different API's col. 5 line 59 through col. 6 line 36. Although Skufca et al. does not specifically teach SOAP interface it would have been obvious to one of ordinary skill at the time of the invention to have implemented such an interface since Skufca et al. teaches various other different interfaces may be integrated. A SOAP interface would allow the XML files taught in Skufca et al. to be accessed efficiently].

(Claim 17) The generic product finder system for managing and performing

searches of claim 15 wherein the interface is a remote interface integrated with the J2EE application [note: interface provides for remote access ability see Figure 7A, 8 and 10].

18. The limitations of claims 20-29, 31, 33-40, 43, 45 and 46 parallel claim 2-13, 15-17 and 44; therefore they are rejected under the same rationale.

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 2-13, 15-17, 20-29, 31, 33-40 and 43-46 have been considered but are moot in view of the new ground(s) of rejection.

In the response Applicant argued the limitation "persisting" has a well defined, clear and unambiguous meaning in the technical field; therefore the term has not been changed in new claims 44, 45 and 46. Applicant states that in the field of software programming, and in particular object oriented programming, terms like "persisting", persisted and similar, are commonly *used to indicate* object/data which, after creation, can be stored for later use. The examiner respectfully maintains the rejection cited under 35 USC 112 second paragraph. Applicant's definition is unclear with respect to how the term has been used in the claim. The function of the term as used in the claim is vague. For example, claim 44 recites "a product component for persisting a plurality of product information and interacting with the manager component" [claim 44 lines 4-6], however with the present definition (i.e. used to indicate object/data which can be stored for later use) does not appear to fit the context of the phrase.

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Further clarification with respect to the claim language is requested to determine the meets and bounds of the claim. The examiner notes Applicants remarks concerning the limitation of original dependent claims 14, 30, and 42 have been included into new claims 44, 45, and 46, however Wheeler et al. has been cited for teaching this feature, note citations supra.

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brpphy et al. US Patent 6,212,528 B1

Chen et al. US Patent Application Publication NO. 2003/0074360

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**GRETAROBINSON**  
**PRIMARY EXAMINER**

Greta Robinson  
Primary Examiner  
October 24, 2006